IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17219 of 2005

Dated: September 28, 2007

Between:

SVS Sarma, S/o. Anjaneyulu, aged 48 years,
Govt. servant, R/o. 24-4-11/4, Vimaladevi Nagar,
Malkajgiri, Hyderabad – 500 047, and another.

… Petitioners

And

The Divisional Engineer (Operation)
Central Power Distribution Co. Ltd.,
Devarakonda, Nalgonda District, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to direct the respondents to pay a sum of Rs.8,00,000/- to the petitioners for the death of their son, S. Anil Kumar, due to electrocution, after he came into contact with high-tension wires, on 03-10-2004, on account on negligence on the part of the respondents in maintaining the wires properly.

When the matter is taken up today, learned counsel for the

petitioner submits that this writ petition is covered to be dismissed in view of the judgment of the Supreme Court in the case of **SDO, Grid Corporation of Orissa Ltd., Vs. Timudu Oram**[1]**.** In the said judgment, it was held that unless negligence is proved by recording a finding on factual disputes, no claim is maintainable under Article 226 of the Constitution of India.

Recording the submission of the learned counsel and following the ratio laid down in the aforesaid judgment of the Supreme Court, the writ petition is dismissed. However, petitioners are at liberty to pursue any other remedy open under law for claiming compensation.

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JUSTICE R. SUBHASH REDDY.

September 28, 2007
MRR

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[1] **(2005) 6 SCC 156**